



Navigating Through Statutes, Insurance Policies, and Regulations  
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**Medical Insurance Compensation System (MICS): Is it Possible?**

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# HB 157 - THE OHIO MEDICAL INSURANCE COMPENSATION SYSTEM (The "MICS")

## AN OVERVIEW

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## Immunity

- Inclusion in legislation has increased
- Problem = Only nibbles around the edges
- Does not change the economics quickly or dramatically

## The Question?????

How do we significantly transform the tort system to finally tilt the playing field in favor of the insurance company and their insured?

## The Answer!!!



## The Answer!!!!

# Abolish the Jury System

## Ohio – The MICS

- The Medical Insurance “Compensation” System
- Introduced by Rep. Jim Butler (R-Dayton) in 2015
- Still in the House, interested party meetings
- Part of larger legislation aimed at curbing healthcare spending

## Ohio – The MICS

The proposed rationale for the MICS

1. Increase access to injured patients
2. Reduce defensive medicine = reducing costs
3. Money to injured patients faster (added benefit is more money for the patient?)

## How does the MICS work?

- 1) Provider must be insured
  - not insured = traditional exposure
- 2) Patient must make claim within 6 months (4 year statute of repose)
  - no affidavit of merit required
  - must name all potential wrongdoers

## How does the MICS work?

- 3) MICS admin. assigns physician reviewer
- 4) Reviewer can request, and patient must:
  - sign medical authorizations
  - give statement (if requested)
  - submit to medical examination
  - (claimant has no such right to demand statements of provider)

## How does the MICS work?

So what happens if claimant prevails?

- case goes to an **actuary** for the determination of both economic and non-economic damages, set forth as “wage loss, the life care expenses, other expenses, pain and suffering, disfigurement, and loss of society.”

**(decision is final – not appealable by provider or claimant)**

## How does the MICS work?

Either side can appeal the initial reviewers decision, if so:

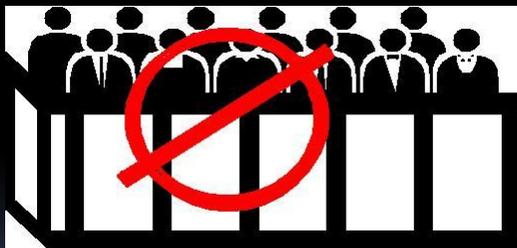
- goes to a three member physician panel (provider may submit new expert reports no other discovery permitted)

## How does the MICS work?

Both provider and patient may appeal to the Common Pleas Court

- actuarial award may not be appealed (if provider appeals loses reduction of the damages modifier)
- Judge or jury decide whether claimant may "participate."

The MICS System is the most radical approach proposing a **complete eradication of our current jury system in the state of Ohio.**



## “Introduction to Health Care MRB Butler”

- A YouTube video describing the entire bill.
- Minute 6:30 – 10:30
- 1/3 of all medical costs = defensive medicine
- Not supported by empirical evidence

